

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

In the claims

Claims 8 and 10 have been amended in the interest of improved grammar and form. These amendments are not intended to alter the scope of claims 8 and 10, and no new matter is added.

Rejection of claim 9 under 35 U.S.C. § 112, second paragraph

Claim 9 presently stands rejected as being indefinite. In particular, the examiner notes that the limitation “the back up power supply” lacks antecedent basis, and the examiner asserts that “it is not clear how step (r) could be performed *prior* to the determining step as recited in the preamble.”

Claim 9 has been amended to recite “a back up power supply” instead of “the power supply.” Also, the preamble of claim 9 has been rewritten responsive to the examiner’s concern regarding step (r). In view of these amendments, withdrawal of this rejection is respectfully requested.

Rejection of claims 1-10; Allowable subject matter

Claims 1-3, 8, and 10 presently stand rejected as being anticipated by Larson et al (U.S. 6,968,470), and claims 4-7 are rejected as being unpatentable over Larson in view of Layton et al (U.S. 6,785,827). However, the examiner has indicated that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner’s indication of allowable subject matter is noted with appreciation. In this regard, claim 1 has been amended to include the allowable subject matter of claim 11, and claim 11 has been cancelled. Therefore, it is respectfully submitted that claim 1,

and claims 2-10 which depend from claim 1, are allowable. Accordingly, withdrawal of the rejection is requested.

Conclusion


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-10 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,

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